

## **REMARKS/ARGUMENTS**

Claims 1-20 are pending in the present application. Claims 9, 10, 12, and 13 were canceled; claims 1, 11, 14, 15, and 20 were amended; and no claims were added. Reconsideration of the claims is respectfully requested.

Applicants wish to thank the Examiner for participating in a conference call to discuss the current application and the cited prior art. While no agreement was reached during the call, Applicants appreciate the Examiner's input regarding the teachings of the prior art. Applicants have amended independent claims 1, 9, 14, and 15 to further clarify the subject matter of the present invention. Applicants have considered the Examiner's comments and believe that the claims, as currently amended, are not taught by the prior art.

### **I. 35 U.S.C. § 103, Obviousness (Claims 1, 2, 4, 6, 7, 9, 14-16, 18-20)**

The Final Office Action has rejected claims 1, 2, 4, 6, 7, 9, 14-16, 18-20 under 35 U.S.C. § 103 as being unpatentable over *Kinzalow et al.*, System for Interfacing a Communication Device with a Radio for Hands-Free Operation, U.S. Patent No. 6,052,603, April 18, 2000 (hereinafter "*Kinzalow*") and *Chen*, Universal Hand-Free System for Cellular Phones in Combination with Vehicle's Audio Stereo System, U.S. Patent No. 6,349,223, February 19, 2002 (hereinafter "*Chen*"). This rejection is respectfully traversed.

Regarding this rejection, the Final Office Action states:

Re claim 1, Kinzalow et al. disclosed a method for managing an audio system volume in a vehicle (fig. 1, 3-4), the method comprising: detecting wirelessly a radio frequency transmission having a selected frequency through a sensor, wherein the selected frequency is indicative of an incoming call to be received by a mobile I telecommunications device within the vehicle (col.5 line 1-15,col.6 line 6-21., col.12 line 1-4, col. 10 line 50-60) and responsive to detecting the radio frequency transmission, adjusting the audio system volume (col.6 line 10-15, col.12 line 45-49/based on detected volume adjusted) ,

While, Kinzalow et al. disclose of the above, with the volume controlled, However, Kinzalow et al. is silent in regard of the specific wherein until an absence of the radio frequency transmission occurs indicating that the call has terminated. But, kinzalow et al. did disclose of the detecting means for detecting incoming signal and further converting the signal into radio signal over the -speaker for enabling/carrying communication/conversations (col. 11 line 25-32, fig. 1 (antenna); col.13 line 1-8)), thus with the above, disclosure it is inherent of the specific existence of having such an absence of the radio frequency transmission occurs indicating that the call has terminated.

While, kinzalow et al. disclose of the above with adjusting the volume, However, Kinzalow et al. fail to disclose of the specific wherein the volume is reduced based on detecting radio frequency. Chen disclose of the specific wherein the volume is reduced based on detecting radio frequency (fig. 1, 4-7; col. 2 line 17-24 & line 30-37) for purpose preventing the cellular phone from interfering with the audio system. Thus,

taking the combined teaching of Kinzalow et al. and Chen as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify kinzalow et al. by incorporating the specific wherein the volume is reduced based on detecting radio frequency for purpose preventing the cellular phone from interfering with the audio system.

Final Office Action dated March 7, 2008, pp. 3-4.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In determining obviousness, the scope and content of the prior art are... determined; differences between the prior art and the claims at issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). "Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007). "*Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*" *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006))."

Currently amended claim 1, which is representative of claims 14 and 15 with regards to similarly recited subject matter, recites:

1. A method for managing an audio system volume in a vehicle, the method comprising:
  - detecting, wirelessly, a radio frequency transmission having a selected frequency through a vehicle integrated sensor, wherein the selected frequency is indicative of a mobile telecommunications device communicating with a base transceiver station;
  - responsive to detecting the radio frequency transmission, determining, by the vehicle integrated sensor, whether a signal strength of the radio frequency transmission is greater than a predetermined threshold level, wherein the predetermined threshold level indicates that the mobile telecommunications device is located within the vehicle;
  - responsive to a determination that the signal strength of the radio frequency transmission is greater than the predetermined threshold level, reducing, by a controller, the audio system volume;
  - monitoring, by the vehicle integrated sensor, the radio frequency transmission to form a monitored transmission;
  - determining, by the vehicle integrated sensor, that a call has ended based on the monitored transmission; and
  - responsive to determining that the call has ended, restoring, by the controller, the audio system volume to a prior setting.

A *prima facie* obviousness rejection cannot be stated because neither *Kinzalow* nor *Chen*, either alone or in combination, teaches or suggests all of the features of claims 1, 14, and 15. Specifically, neither *Kinzalow* nor *Chen*, either alone or in combination, teaches or suggests features of “detecting, wirelessly, a radio frequency transmission having a selected frequency through a vehicle integrated sensor, wherein the selected frequency is indicative of a mobile telecommunications device communicating with a base transceiver station,” “responsive to detecting the radio frequency transmission, determining, by the vehicle integrated sensor, whether a signal strength of the radio frequency transmission is greater than a predetermined threshold level, wherein the predetermined threshold level indicates that the mobile telecommunications device is located within the vehicle,” “responsive to a determination that the signal strength of the radio frequency transmission is greater than the predetermined threshold level, reducing, by a controller, the audio system volume,” “monitoring, by the vehicle integrated sensor, the radio frequency transmission to form a monitored transmission,” and “determining, by the vehicle integrated sensor, that a call has ended based on the monitored transmission.”

Neither *Kinzalow* nor *Chen* teaches a vehicle integrated sensor that wirelessly detects a radio frequency transmission having a selected frequency, wherein the selected frequency is indicative of a mobile telecommunications device communicating with a base transceiver station. Rather both *Kinzalow* and *Chen* rely on the wireless phone itself, using its own antenna to detect incoming calls. Therefore, both *Kinzalow* and *Chen* actually teach away from a vehicle-integrated sensor that wirelessly detects a radio frequency transmission having a selected frequency, as both *Kinzalow* and *Chen* rely on the wireless phone itself, using its own antenna to detect incoming calls. Thus, both *Kinzalow* and *Chen* are structurally and operationally different from the features recited in claim 1.

Neither *Kinzalow* nor *Chen* teaches the feature of “responsive to detecting the radio frequency transmission, determining, by the vehicle integrated sensor, whether a signal strength of the radio frequency transmission is greater than a predetermined threshold level, wherein the predetermined threshold level indicates that the mobile telecommunications device is located within the vehicle.” As *Kinzalow* and *Chen* both fail to teach or suggest the feature of “detecting, wirelessly, a radio frequency transmission having a selected frequency through a vehicle integrated sensor, wherein the selected frequency is indicative of a mobile telecommunications device communicating with a base transceiver station,” logically, neither *Kinzalow* nor *Chen* can teach “responsive to detecting the radio frequency transmission, determining, by the vehicle integrated sensor, whether a signal strength of the radio frequency transmission is greater than a predetermined threshold level, wherein the predetermined threshold level indicates that the mobile telecommunications device is located within the vehicle.”

Additionally, neither *Kinzalow* nor *Chen* teaches the feature of “responsive to detecting the radio frequency transmission, determining, by the vehicle integrated sensor, whether a signal strength of the radio frequency transmission is greater than a predetermined threshold level, wherein the predetermined threshold level indicates that the mobile telecommunications device is located within the vehicle,” as this feature is unnecessary to the operation of the inventions taught by *Kinzalow* and *Chen*. *Kinzalow* and *Chen* both rely on the wireless phone itself to use its own antenna to detect incoming calls. Therefore, as taught by both *Kinzalow* and *Chen*, there is no need to determine if a signal strength of a detected radio frequency transmission is greater than a predetermined level, wherein the predetermined threshold level indicates that the mobile telecommunications device is located within the vehicle, because, as taught by *Kinzalow* and *Chen* the transmission being detected is to the phone directly connected to the systems taught by *Kinzalow* and *Chen*. Therefore, inherently, the phones are in the vehicle.

Neither *Kinzalow* nor *Chen* teaches the feature of “responsive to a determination that the signal strength of the radio frequency transmission is greater than the predetermined threshold level, reducing, by a controller, the audio system volume.” At best, *Kinzalow* teaches adjust the volume of a radio by an interface sending a command to the radio. As taught by *Kinzalow* in column 6, lines 9-13, when the cell phone receives a call, a transmitter in the interface, which is connected directly to the cell phone through an interface socket (See *Kinzalow*, column 5, lines 15-16), sends a signal developed by a radio command circuit, which is a part of the interface to the radio to adjust the volume of the radio, via the interface antennae using a selected FM or AM frequency (See *Kinzalow*, column 5, lines 5-11). At best, *Chen* teaches adjusting the volume of a radio based on detecting a change in the stand-by signal of a cell phone from HI to LO. Thus, neither *Kinzalow* nor *Chen* teaches reducing, by a controller, the audio system volume in response to a determination that the signal strength of the radio frequency transmission is greater than the predetermined threshold level, wherein the predetermined threshold level indicates that the mobile telecommunications device is located within the vehicle.

Additionally, as *Kinzalow* and *Chen* both fail to teach or suggest determining, by the vehicle integrated sensor, whether a signal strength of the radio frequency transmission is greater than a predetermined threshold level, wherein the predetermined threshold level indicates that the mobile telecommunications device is located within the vehicle, logically, neither *Kinzalow* nor *Chen* can teach performing an action in response to performing the determination that they did not teach. Thus, *Kinzalow* and *Chen* both fail to teach or suggest “responsive to a determination that the signal strength of the radio frequency transmission is greater than the predetermined threshold level, reducing, by a controller, the audio system volume,” as recited in claim 1.

Furthermore, as *Kinzalow* and *Chen* both fail to teach or suggest an vehicle integrated sensor that wirelessly detects a radio frequency transmission having a selected frequency, logically neither *Kinzalow*

nor *Chen* can teach the features of “monitoring, by the vehicle integrated sensor, the radio frequency transmission to form a monitored transmission,” and “determining, by the vehicle integrated sensor, that a call has ended based on the monitored transmission,” as recited in claim 1. At best, *Kinzalow* teaches determining that a call has ended based on absence of a radio frequency, which is generated by converting the audio signal of the cell phone in to a radio signal (See *Kinzalow*, column 12, lines 50-65). At best, *Chen* teaches determining that a call has ended based on the phone changing state of the phone (See *Chen*, column 4, lines 32-37).

The vehicle integrated sensor that wirelessly detects radio frequency transmissions provides many advantages over the inventions taught in *Kinzalow* and *Chen*, as *Kinzalow* and *Chen* teach phones that must be placed in a certain place and connected to a specific system. Thus, the system operates for one phone and one phone only and that phone must be connected to the systems of *Kinzalow* and *Chen* in order to work. Therefore, if a user forgets to connect their phone to the systems of *Kinzalow* and *Chen*, the inventions do not work. In contradistinction, claim 1 teaches a method that works with a mobile communications device no matter where in the vehicle the device is. By having a vehicle integrated sensor that operates separate from and independent of any particular cell phone, the sensor is free to detect the communications of any mobile communications device in the vehicle from anywhere in the vehicle, even inside a purse or a pocket. Thus, the method of claim 1 and the system and apparatus of claims 14 and 15 are able to operate in conjunction with any number of phones in a vehicle for any number of different users, thus providing great advantages in the case where there are multiple users in a vehicle that each has their own individual mobile communications device.

Thus, for at least the reasons set forth above, Applicants submit that claim 1 is in condition for allowance due to the fact neither *Kinzalow* nor *Chen*, either alone or in combination, teaches or suggests all of the features of claims 1. As claims 14 and 15 recite features similar to those of claim 1, the same distinctions between claim 1 and the cited references apply to claims 14 and 15 as well. Since claims 2, 4, 6, 7, 16, and 18-20 depend from claims 1 and 15, the same distinctions between the cited references and the claimed invention in claims 1 and 15 applies for these claims as well. Therefore, Applicants submit that claims 2, 4, 6, 7, 16, and 18-20 are also in condition for allowance over the cited references at least by virtue of their depending from an allowable base claim. Claim 9 has been canceled.

Therefore, the rejection of claims 1, 2, 4, 6, 7, 9, 14-16, 18-20 under 35 U.S.C. § 103 has been overcome.

## **II. 35 U.S.C. § 103, Obviousness (Claims 5 and 12-13)**

The Final Office Action has rejected claims 5 and 12-13 under 35 U.S.C. § 102 as being anticipated by *Kinzalow* and *Chen* and further in view of *Han et al.*, Handheld Device Having an Auto-

Volume Control Means for Earphone Plugging and Controlling Method Thereof, U.S. Patent Publication No. 2004/0151336, August 5, 2004 (hereinafter "*Han*") This rejection is respectfully traversed.

Regarding this rejection, the Final Office Action states:

Re claim 5, the method of claim 1, However, the combined teaching of Kinzalow et al. and Chen as a whole, fail to disclose of the wherein the audio system volume is reduced to a preselected volume. However, Han et al. disclose of a system wherein the similar concept of the audio system volume is reduced to a preselected volume (par[0010, 0017]) for preventing the injuring of the humans ear during mode listening operation. Thus, taking the combined teaching of the combined teaching of Kinzalow et al. and Chen and Han et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify the combined teaching of Kinzalow et al. and Chen as a whole, by incorporating the similar concept of the audio system volume is reduced to a preselected volume for preventing the injuring of the humans ear during mode listening operation.

Final Office Action dated March 7, 2008, p. 9.

While the Final Office Action states that the claims are rejected under 35 U.S.C. 102(b), Applicants assume the Final Office Action meant to state 103(a).

Claim 5, depends from and further restricts claim 1. *Han* does not supply the deficiencies in the principal references as discussed above with respect to claim 1. Claim 5, accordingly, patentably distinguishes over the references, at least by virtue of its dependency.

Claims 12 and 13 has been canceled and the rejection with respect to that claim is, accordingly, now moot.

Therefore, the rejection of claims 5 and 12-13 under 35 U.S.C. § 102 has been overcome.

### **III. 35 U.S.C. § 103, Obviousness (Claim 10)**

The Final Office Action has rejected claim 10 under 35 U.S.C. § 102 as being anticipated by *Kinzalow* and *Chen* and further in view of *Tanaka et al.*, Mobile Communication Unit and Mobile Communication System, U.S. Patent No. 6,671,509, December 30, 2003 (hereinafter "*Tanaka*") This rejection is respectfully traversed.

Regarding this rejection, the Final Office Action states:

Re claim 10, the method of claim 9, However, the combined teaching of Kinzalow et al. and Chen as a whole, fail to disclose of the wherein the another radio frequency transmission is a request by the mobile telecommunications device to, disconnect the call. But, Tanaka et al. disclose of a mobile station wherein the similar concept of having as radio frequency transmission is a request by the mobile telecommunications device to disconnect the call (fig.1-2, col.12 line 45-54 & col.4 line 11-34) for terminating the communication between the systems. Thus, taking the combined teaching of Kinzalow et al. and Chen and Tanaka et al. as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify the combined teaching of Kinzalow et al. and Chen as a whole, by

incorporating the similar concept of having as radio frequency transmission is a request by the mobile telecommunications device to disconnect the call for terminating the communication between the systems.

Final Office Action dated March 7, 2008, p. 10.

While the Final Office Action states that the claims are rejected under 35 U.S.C. 102(b), Applicants assume the Final Office Action meant to state 103(a).

Claim 10 has been canceled and the rejection with respect to that claim is, accordingly, now moot.

Therefore, the rejection of claim 10 under 35 U.S.C. § 102 has been overcome.

#### **IV. 35 U.S.C. § 103, Obviousness (Claims 3, 17, and 11)**

The Final Office Action has rejected claims 3, 17, and 11 under 35 U.S.C. § 103 as being unpatentable over *Kinzalow* and *Chen* and further in view of Official Notice. This rejection is respectfully traversed.

Regarding this rejection, the Final Office Action states:

RE claim 3, the combined teaching of Kinzalow et al. and Chen as a whole, teach of the method of claim 1, wherein the incoming phone calls and selected frequency are being transmitted over the radio system (fig.7; col.6 line 32, col.5 line 52-59). However, the combined teaching of Kinzalow et al. and Chen as a whole, fail to disclose of the specific of wherein the selected frequency has a range from about 890 MHz to about 960 MHz. However, official notice is taken that the concept of transmitting such selected frequency in the range of 890 MHz to about 960 MHz is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have incorporated the specific of transmitting such selected frequency in the range of 890 MHz to about 960 MHz for the purpose of reproducing the incoming phone calls of the audio signals over the radio system speakers.

Final Office Action dated March 7, 2008, p. 11.

Claims 3, 17, and 11 depend from and further restrict claims 1 and 15. The Official Notice does not supply the deficiencies in the principal references as discussed above with respect to claims 1 and 15. Claims 3, 17, and 11, accordingly, patentably distinguish over the references, at least by virtue of their dependency.

Therefore, the rejection of claims 3, 17, and 11 under 35 U.S.C. § 103 has been overcome.

#### **V. 35 U.S.C. § 103, Obviousness (Claim 8)**

The Final Office Action has rejected claim 8 under 35 U.S.C. § 103 as being unpatentable over *Kinzalow* and *Chen* further in view of *Nguyen et al.*, Method and Apparatus for an In-Vehicle Audio

System, U.S. Patent Publication No. 2004/0078104, April 22, 2004 (hereinafter “*Nguyen*”). This rejection is respectfully traversed.

Regarding this rejection, the Final Office Action states:

Re claim 8, the method of claim 5, However, the combined teaching of Kinzalow et al. and Chen as a whole, fail to disclose of the wherein the preselected volume is user configurable. However, Nguyen et al. disclose of having a system wherein the preselected volume is user configurable (fig.1 (104; page 2 [0033] line 7-10; page 5 [0071]) for the purpose of allowing the user to hear the caller and yet continue enjoying the audio sound system at the same time. Thus, taking the combined teaching of Kinzalow et al. and Chen and Nguyen et al. as a whole, it would have been obvious at the time of the invention to have incorporated the having a system wherein the preselected volume is user configurable for the purpose of allowing the user to hear the caller and yet continue enjoying the audio sound system at the same time.

Final Office Action dated March 7, 2008, p. 13.

Claim 8, depends from and further restricts claim 1. *Nguyen* does not supply the deficiencies in the principal references as discussed above with respect to claim 1. Claim 8, accordingly, patentably distinguishes over the references, at least by virtue of its dependency.

Therefore, the rejection of claim 8 under 35 U.S.C. § 103 has been overcome.

#### **VI. Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Gerald H. Glanzman/

Gerald H. Glanzman  
Reg. No. 25,035  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
Attorney for Applicants

GG/blj